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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/963,720	11/04/97	MASCHEK	M 10191/538

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EXAMINER

LOUIS JACQUES, J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 10/22/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

08/963,720

Applicant(s)

MASCHEK, ETAL

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 call for “simulating each of the signal segments using a respective transmission function” and “combining the transmission functions to form an overall transmission function...” It is not clear whether the “simulated signal segments” are being combined” or whether they become inputs to the overall transmission function. From the step of “splitting...” to the step of “combining...”, the step of “simulating ...” becomes “useless” since the result of the simulating step does not affect the steps of “combining” and “forming”.

3. Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gioutsos et al [5,345,402].

Gioutsos et al discloses a vehicle crash simulator system for testing crash sensors in which a signal of interest, i.e., acceleration/collision signal, is divided into a plurality of signal segments or portions. Gioutsos et al also discloses an algorithm or simulation for acting on each of the signal portions; combining the results of the simulation; and varying or evaluating the overall or combined function. There is also provided a filter for filtering the signal. See columns 2-5.

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Allowable Subject Matter

1. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose the specifics of the equations as recited in the claims.

Response to Arguments

4. Applicant's arguments filed September 13, 1999 have been fully considered but they are not persuasive.

Claim 1 recites (a) deriving a core signal, (b) splitting the core signal into signal segments, (c) simulating each signal segments using s a respective transmission function, (d) combining the transmission functions to form an overall transmission function, and (e) forming at least one descriptive collision signal.

It is not clear or clearly pointed out whether the outputs of each transmission function are being combined or whether the signal segments are being inputted to the overall transmission function.

While a claim can be read in light of the specification, the claim must be clear so as to enable one skilled in the art to understand what is being claimed. Although the claims are interpreted in light of the specification, limitations from the specification are

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not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The submission of the translation of the foreign priority document is acknowledged. Accordingly, the rejection under 35 USC 102(e) of claims 1-3 as being anticipated by Ito et al [5,814,897] with an effective US filing date of March 27, 1997 has been withdrawn.

On page 3 of the communication, applicant argued a 35 USC 103 (a) rejection allegedly applied claims 4-6. The examiner made no such rejection in the office action. Claims 4-6, as clearly set forth in paragraph 9 of the office action, were objected to for being dependent upon a rejected base claim.

In paragraph 8 of the office action, however, claims 1-3 are rejected as being anticipated by Gioutsos et al [5,345,402]. Applicant presents no arguments for such rejection. This rejection is sustained.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,067,745

Yoshikawa

Nov. 1991

5,936,518

Fukui et al

Aug. 1999.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 8:30 AM-5:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-8623 for regular communications and (703) 308-8623 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
October 20, 1999

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER